



July 15, 2019

Council Meeting of August 5, 2019

Subject: Introduction of Ordinance  
Amendment – Trespassing

The Honorable Mayor  
and  
Members of the City Council

Ladies and Gentlemen:

City Council is requested to consider the introduction of a revision to Chapter 22 (Sec 22-80) of the Code of Ordinances regarding Trespassing. The maximum penalty allowed by State law (MCL 750.552) is a Misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250.00, or both.

Currently, penalty by City Ordinance is a Misdemeanor punishable by imprisonment in the county jail for not more than 93 days and a fine of not more than \$500.00, or both. Local government ordinances cannot exceed the State Law penalty/fine schedule; this adjustment will align our trespassing ordinance penalty clause with State Statute.

If the Council so desires, the attached ordinance amendment may be introduced at the August 5, 2019, City Council meeting and, adopted at the August 20, 2019 City Council meeting.

Respectfully Submitted,

Mark C. Meyers,  
City Administrator

MCM:JG  
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

CITY OF NORTON SHORES  
COUNTY OF MUSKEGON  
STATE OF MICHIGAN

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 22  
OF THE CODE OF ORDINANCES PERTAINING TO TRESPASSING  
WITHIN THE CITY OF NORTON SHORES

Ordinance No. \_\_\_\_\_

THE CITY OF NORTON SHORES HEREBY ORDAINS:

Section 1: That Section 22-80, "Trespass", of Article IV, "Offenses Against Property", of Chapter 22, "Offenses", of the Code of Ordinances for the City of Norton Shores be amended by adding subsection (e) as a penalty clause to Section 22-80 as follows:

(e) A person who violates any part of this Section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250.00, or both.

Section 2. Severability. Should any part of this ordinance be held invalid by a Court of Competent Jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

Section 3. Ordinance Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption and publication.

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Shelly Stibitz, City Clerk

Introduced:

Adopted:

Published:

Effective:



## Internal Memo

July 15, 2019

TO: Mark C. Meyers, City Administrator  
FROM: Jon Gale, Chief of Police  
SUBJECT: Trespassing Ordinance Amendment

Based on a change to State law (MCL 750.552) I am recommending the amendment of City Ordinance Chapter 22 Sec. 22-80 (Trespassing Ordinance). The State law has been amended from a 93 day misdemeanor with a max fine of \$500.00 to a reduced penalty consisting of a 30 day Misdemeanor and/or a \$250 fine. A city ordinance cannot exceed the State Law penalty/fine schedule and this adjustment will align our trespassing ordinance and bring our local law into compliance with the statute. Once approved, the city's penalty and fines for trespassing would be reduced to a 30 day misdemeanor and/or a fine of \$250.00. The recommended ordinance amendment covers only the penalty clause. The ordinance wording will not be changed.

The ordinance amendment may be introduced at the August 5, 2019 City Council meeting and adopted at the August 20, 2019 City Council meeting. The effective date will be 10 days after adoption and publishing. I have included a copy of the amended ordinance prepared by City Attorney Doug Hughes.